POSITION OF PAKISTANI WOMEN IN 21ST CENTURY: A LONG WAY TO GO

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Abstract: *Since the independence of Pakistan, womenfolk have been facing exploitative treatment. Socio-cultural, religious, political, and economic factors have kept them at receiving end. By and large, they have been deprived of the rights granted by the Constitution of Pakistan. Till the culmination of 20th Century, they were treated like second rate citizens and remained disadvantaged educationally, socially, economically, and politically. With the dawn of 21st Century, the revival of democracy, emergence of vibrant civil society, and proactive media and judiciary brought a ray of hope for women in Pakistan. Therefore, some old laws were replaced with new ones during Musharraf and Zardari's rules. Significant move in this regard was enhanced representation of women in different political forums to give them voice, and to make them part of decision making. Notwithstanding improved laws for the protection of women, violence and crimes against women are on rise. It is still a big task to revise the role of women from a subservient to an equal partner in family and to ensure equal status to that of men in the society.*

Keywords: Human rights, women rights, Pakistan, development, crimes against women, gender-based legistaions, sexual violence, abuse, harassment, honor killing, acid crimes.

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Introduction

The status of women in any society is determined by a delicate combination of socio-cultural, political, religious, and economic factors. It depends on the structural and functional arrangements of a society to delineate the conditions of women in working arenas. Throughout history, Pakistani women have been facing various challenges ranging from role-orientation to the baffled position of women in family, socio-economic, and political spheres of life. Besides this, women's status in legal sphere is also questionable. It goes without saying that Pakistan is predominantly a male chauvinist society. In this regard, Bari stipulates, "however, women's situation vis-à-vis men are one of systemic subordination, determined by the forces of patriarchy across classes, regions, and the rural/urban divide"[1]

The concept of women rights is not new to the realm of politics. Women rights are the rights, claimed by and for women, of equal privileges and opportunities with men. Such rights may be categorized as birth rights, fundamental rights, social rights, political rights, legal rights, and economic rights, etc. Sometimes these rights appear institutionalized in law, entrenched in local traditions and customary practices, whereas in some places these rights are ignored. In Pakistan, mostly women have been deprived of their rights given by religion and constitution. So, it has aroused general dissent in both sexes on the grounds of their entitlements. The combination of social environment and political aims devise strategy for freedom and rights. Bearing the inequality and discrimination, women have concerns with regard to gender equality and balanced development of society.

Gender politics is not a new phenomenon in the countries like Pakistan, where strings of power are held by males. In this framework, 'gender' refers to "culturally learnt aspect of a person's sexual identity. People are biologically female or male, but their behavior is either feminine or masculine as defined by the social

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[1] Dr. Farzana Bari and Mariam S. Pal, "Women in Pakistan," (Country Briefing Paper, Asian Development Bank, July 2000), 1.

expectation of their society. In this way, behavioral differences between men and women are culturally created."[2] Because men and women are biologically different; their innate differences are incorporated in the value system of particular community in a manner to favor the interest of that community. Gender politics is used as a tactic to run the affairs of the community, whereby men enjoy the fruits of power and prestige at the cost of women. It is partly systematic in patriarchal arrangement and partly due to customary traditions. Therefore, in order to incorporate gender politics in the patriarchal system, role division is put into practice.

Generally, men perform dominant and leading role in nearly all spheres of life. On the other hand, women are presumed to get engaged in subordinate and domestic chores. Such division of roles provide sound basis for playing cards of politics, thereby excluding major portion of population from the game of power struggle i.e., women.

Pakistan is a country where analogous judicial systems are in service and causing confusion in society on the whole. The formal interaction of statutory legislations, Islamic jurisprudence, and customary practices somehow shape the fate of Pakistani women to the extent of exploitation. Due to this reason, enshrined parity in formal legislation is often in conflict with customary long held practices. According to Bari, "on the one hand, Article 25 of the Constitution guarantees equality of rights to all citizens irrespective of sex, race, and class, and empowers the Government to take affirmative action to protect and promote women's rights. On the other hand, there are several discriminatory laws that negatively impact on women."[3] A number of discriminatory laws, as part of Islamization process, were introduced by General Zia-ul-Haq; which reduced women position to the extent of second-class citizens and virtually made them subordinate to men.

Years during 2000–2012 witnessed major developments in terms of amendments, introduction of new laws, and elimination of

[2] Andy Barnard, Terry Burgess, and Mike Kirby, *Sociology* (New York: Cambridge University Press, 2004), 333.

[3] Bari and Pal, "Women in Pakistan," 10.

discriminatory laws against women. The 'Criminal Law (Amendment) Act 2004, 'Protection of Women Bill 2006,' Criminal Acid Act, Status of Women Bill, laws on honor killings and sexual harassment, and introduction of quota system (political representation of women) were some positive legislations. Various initiatives were taken through legal proceedings to combat the problem of gender biases in Pakistan. However, women right activists are still not satisfied for the reason that the real essence of Islamization process is not repealed; rather it seems to be merely neutralized.

It is need of time to analyze and evaluate women rights in purely Pakistani context, keeping in view the heterogeneity and multifaceted character of the society. There is urgent need to re-think and re-evaluate the traditional environment to make it compatible with rationality and changing requirements of the time.

Women Rights: Socio-Economic and Political Outlook

Pakistan is a multifaceted society with heterogeneous culture. In the age of globalization, it has been facing unparalleled challenges including the role of women in the society. Since the information revolution and technological advancements, traditional views on women's role are somewhat eroding; yet giving no clear pattern to alternative definition and status of women in society. There is a variety of cultures in Pakistani society, and similar kind of diversity is found in social norms, ethics, and moral obligations about stature of women in society. Though there is diversity, yet some attitudes towards women are common. For example exclusion of women from mainstream decision making politics, maintaining subordination of women in nearly all spheres through socio-cultural practices, and women's fate with religious dogmas, etc. The socio-economic and political developments in 21^{st} century show that Pakistani social fabric is in a transitional phase and moving towards new or modified role orientation for both men and women.

Shehar Bano Khan thinks that women all around the world struggle for independence despite winning territorial sovereignty. She stipulates that "a Pakistani woman feels no different. She feels the transfer of power from British imperialism has shifted to state

colonization. For her, freedom has yet to come."[4] It implies that women of Pakistan do not feel self-empowered and thoroughly liberated from the shackles of state colonization. She has to fight against the rigid forces of time-honored social and cultural ideals, and to strive for equality of rights and opportunities. Pakistani society is stratified on the bases of caste, class, region, sex, and culture; all of which have deep implications for women's lives and prospects. Interpreting in the like manner, Mumtaz and Shaheed say "like that of her man, a Pakistani woman's life is influenced by the social system, region, and class to which she belongs, and differences occur in each of the four provinces of Pakistan. In the less populated provinces of Baluchistan and the North West Frontier Province (NWFP) life is strictly governed by a rigid code of tribal beliefs and patterns of behavior."[5]

Taking on feminist perspective, one may propose that social rights activists and women's movements predominantly adhere to demand more rights for women and recognition of womenfolk in the all spheres of life, irrespective of any discrimination between sexes. Haque defines feminism, "Feminist are those who dare to break the conspiracy of silence about the oppression, unequal relationship between men and women and who want to change it. All feminist pursuits are aimed at social movement acquiring rights for women from society they belong."[6]

Women's Socio-Cultural Outlook

Pakistani culture is largely based on and influenced by the Hinduism, since it shares its history with Indian subcontinent. Hinduism regards women as inferior creature and born to serve; thus making women to be subordinate and dependent on men. The Indo-

4 Shehar Bano Khan, "Women and Politics in Pakistan: Sham Participation," *Opinions*, October 08, 2007, accessed June 14, 2012, http://en.qantara.de/Sham-Participation/6568c6637i1p456/.

5 Khawar Mumtaz and Farida Shaheed, *Women of Pakistan: Two Steps Forward One Step Back?*, (Karachi: Vanguard Books, 1987), 21.

6 Riffat Haque, "Feminism and Islam," *Quarterly Journal of Gender and Social Issues* 3, no. 3–4 (Autumn/Winter 2004): 39.

Aryan cultural influence on Pakistani culture relegated the status of women to subordinate position. Similar kind of influences can be observed in social practices in Pakistan.

The well matured socio-cultural faith that women is best suited for reproductive role within confines of private sphere of home leads to the conviction that educating women holds no worth. In the tribal areas and rural regions of Sindh and Baluchistan, educating women is not a priority and is subject to local customary settings. Likewise decision of women's education is taken by the men, usually male head of the family. Whereas in the Punjab, trends regarding the education of women are changing, and literacy rate of women has increased. Women in Pakistan is socially marginalized and economically deprived to an extent that she is not allowed to take any initiative or decision for herself independently. Education can give women consciousness of their socio-economic and political rights, which is not in the interests of men. So through patriarchal system and low access to education for women, men wish to keep women in their control so that they may not assert themselves in the long run.

The entangled amalgamation of Hindu influence, patriarchal structure, and feudalism in Pakistan facilitates men's domination over women. The socio-cultural practices such as *Purdah, Swara* and *Wani*, *Watta Satta*, honor killings (*Karo Kari*), 'Marriage to Quran,' etc., perpetuate subjugation of women. The long lived conviction that women are the repository of man's honor and should obey the normative standards of society restricts and regulates women's social movement. Sadaf Zahra stipulates, "a woman's right to liberty is restricted in the name of modesty, protection, and prevention of immoral activity."[7] All kind of moral obligations in the name of family honor and reputation vanquish women's freedom, and such obligations are not applicable on men. While silence on social belief system is regarded as best morality for

[7] Sadaf Zahra, "Women in Pakistan – Victims of the Social and Economic Desecration," October 10, 2005, accessed, June 15, 2012, www.marxist.com/women-pakistan-victim-of-descration.htm.

women, there are no corresponding social taboos to counter men's liberty.

Swara is a Pashto term in which a girl is given in marriage to a hostile family in order to compensate for a crime and resolve the feud. Mostly young girl is to be sacrificed for resolving the conflict in an attempt to save blood-money or *bald-e-slush.* Interpreting the custom of *Swarai*, Yasmeen Hassan says, "the concepts of women as property and honour are so deeply entrenched in the social, political, and economic fabric of Pakistan that the government, for the most part, ignores the daily occurrences of women being killed and maimed by their families."[8] Like *Swara, Wani* is a Punjabi term for giving a girl in marriage to solve a dispute between two parties. Such social traditions are against 'Child Marriages Restraint Act' in which young girl below the age of 16 is not legally eligible for marriage. In *Wani* custom, usually young girls are given in marriage to opponent for resolving dispute. Such practices are generally followed in tribal areas in the Punjab province. This may be avoided by paying *Deet* (money) to the contending clan. *Deet is* the money agreed between two conflicting parties in order to resolve the dispute. Both *Wani* and *Swara* customs are quite similar in practice.

Watta Satta is another tradition in Pakistan. It is a practice, particularly in Punjab, where two marriages take place simultaneously. Besides marriage of bridegroom and bride, the sister of bridegroom also marries with brother of bride. It generally aims at cementing the bond between the two families at the expense of the wishes of girls who marry commonly under family compulsion. In case, the dispute occurs in one household, girl in the other family also has to face the music. In most cases of *Watta Satta* marriages, girls are at the receiving end.

'Marriage to Quran' is another social custom practiced in some parts of rural Sindh. Under this tradition, landlords or feuds of

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[8] "Swara Practice in Pakistan Caused Young Women's Deaths," posted on November 07, 2006, accessed July 05, 2012, http://www.isiswomen.org/index.php?option=com_content&view=article&id=318:swara-practise-in-pakistan-caused-young-womens-deaths&catid=22:movements-within&Itemid=22.

Sindh marry off their sisters or daughters to Quran in order to keep the share of land for girls to themselves. If a landlord family marries off their daughter or sister to other family, they will have to give their property share to that family. By marrying their daughters or sisters to Quran, male head of family would grab her share on the account that she has relinquished the material world for God. However, this custom is alien to Islam and has no religious bases.

If a man and a woman are found of having illicit relation, they are often reprimanded by death to restore the honor of their families and community – another social tradition called *Karo Kari* (honor killing). The word *Karo Kari* literally means black-male (*Karo*) and black-female (*Kari*). In earlier times, the word *Karo-Kari* was metaphorically used for adulterer and adulteress. But in recent scenario, this term is used for multiple forms of perceived immoral behavior. Since women are regarded as repository of family honor, therefore, on the perceived charge of any kind of immoral activity, they are killed after being labeled as *Kari*. Even if a girl wishes to marry a male without the consent of her family, she is also labeled as *Kari* to secure one's honor. The criteria of judgment in *Karo Kari* cases is not explicitly defined; and largely women are victim of this practice.

The social practices and patterns of gender role have paved the way for violence against women or keeping them under subordination in Pakistan. According to Khan, "since the 1980s, organizations working on women's issues have drawn attention to the vast range of crimes committed against women in the name of religion, custom, honor, and even political expediency."[9] Due to continuing loyalty to social practices, it has become normal attitude of institutions like police and judiciary to have suspicion and prejudice towards women grievances of domestic or public violence against them. The sexual violence and rape are underreported due to social stigma attached with the victims. Rape is considered a way to punish women who have strayed from standard norms of society. Furthermore, in Pakistani law, marital rape is not even

[9] Rabia Khan, "Situational Analysis and Mapping of Women's Human Rights in Pakistan" (CIDA Pakistan Program, 2009): 22.

acknowledged as criminal offence. According to Report of the Commission of Inquiry for Women (1997), "seventy percent of women in police station were subjected to sexual and physical violence."[10] This report implies that women are not secure even from security agencies.

According to Swanson, "domestic violence is not explicitly prohibited in Pakistan."[11] Mostly domestic violence against women revolves around and is regulated by '*Qisas* and *Diyat* Ordinance.' Domestic violence involves mental and physical torture, mutilation, acid attacks, dowry abuse, and burning the victim alive. The dilemma is that they are often considered as private or family issues and fall under the category of civil courts rather criminal proceedings. In the perception of Bahl and Syed, eighty percent of victim of acid attacks are female, and almost forty percent are under eighteen years of age. This entails that violence against women is on rise with no corresponding steps to secure their rights. Others miscellaneous offences include shaving off head and eyebrow of women, and their trafficking. All such vicious practices undermine the rights and freedom of women, as they are the ones who pay the price in all cases.

Women's Economic Outlook

Women are considered foundation stone of any society, but irony remains that this underpinning stone is not given due privileges across the world. In Pakistan, women face socio-cultural and religious constraints in their way of economic development. Customary sentiments held by majority of Pakistani society are strong enough to bypass the laws. Women in Pakistan lack access to their share in property, economic resources, financial opportunities, and technical and vocational facilities, and therefore, are dependent on men for their basic necessities of life. Women are systematically

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[10] *Report of the Commission of Inquiry for Women* (CIW Pakistan, 1997), 3.

[11] Jordan Swanson, "Acid Attacks: Bangladesh's Effort to Stop the Violence," *Harvard Health Policy Reviews* 3 (2002): 3.

(under patriarchal settlements) handicapped to get involved in economic activity.

Despite constituting about half of the population in Pakistan, women's share in the economic wellbeing of the country is far less than their number. It is because of low female literacy rate in Pakistan. Due to lack of education, urban women only manage to get less productive jobs. Rural women, on the other hand, do not participate in official economic activity. As a social practice, rural women assist their male family members in their agrarian jobs. Such assistance does not fall under the category of economic activity, because it is mostly unpaid. Interpreting in the like manner, Haider says, "urban women, with better education and socio-economic opportunities, are a little better off and comparatively empowered. Ironically, however, not more than 30% of the country's total population is urban. Rural women despite their contribution to national economy, as agriculture worker, are largely marginalized and vulnerable to biased traditions."[12] As the greater part of womenfolk work in the informal sector (not in record), their contribution to economic activity is not chronicled and recorded in the official statistics.

Economic deprivation of women in Pakistan is pervasive due to limited social mobility and institutionalized socio-cultural constraints. Despite economic compulsions, restrictions on the mobility of women are still there. The combination of stringent feudal laws and social norms impede mobility of women in society particularly in Baloch and Pushtoon tribes. Likewise, Punjabi women have social support for confined options of professions (teaching, medicine, etc.). According to Jehan, "restrictions on the movement of women are greater in smaller towns. Similarly, women of upwardly mobile classes in the rural and of the middle classes in the urban areas are among the most cloistered."[13] However, in both

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[12] Rafia Haider, "Women in Pakistan from 1947 to 2009," accessed June 17, 2012, http://www.hamaraquetta.com/forum/women-in-pakistan-from-1947-to-2009-t2947.0.html.

[13] Qamar Jehan, "Role of Women in Economic Development of Pakistan," (Ph.D. Thesis, University of Baluchistan: Higher Education Commission Publications, 2000), 62.

urban and rural settings, poor women enjoy relative liberty as compare to women of the middle class.

The economic profits of female employment can be explicitly calculated by the fact that more women at work increase a nation's production, and is a significant contributor to household income. When women have a chance to manage, more of the resources are allocated to family welfare (particularly health, nutrition, education, etc.) as compared to the cases where men are to manage. That is, women have tendency to spend more on the human capital of their children as compare to men. Therefore, positive impact on long-term development and growth is evident.

Women's Political Outlook

Pakistan's patriarchal system and tools of gender role ideology are strong enough to establish clear bifurcation between private and public sphere. The institutionalized structural pattern reinforces gender based segregation of society in all arenas. According to Mumtaz and Shaheed, "The division of society into public and private sectors impedes women's access to information, education, and employment, and therefore, to independence and any form of power."[14] So it may be deduced that gender role ideologies, systematically internalized by the people, define politics to be men's business only. As per structural patterns, women are merely eligible for performing tasks in private sector including domestic chores and informal jobs. Besides that, women's internalization of gender ideology has pushed her to devalue her potentials for the profession of politics. The socially constructed mores hamper the way of majority of women to political arenas. Furthermore, politics is a commercialized profession, and women cannot afford to participate due to lack of access to and ownership of financial resources. Women's political participation is quite limited due to socio-economic constraints.

Due to social and structural constraints, majority of women still do not cast their votes. Because vote casting procedure

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[14] Mumtaz and Shaheed, *Women of Pakistan*, 32.

consumes time (2–3 hours), women generally prefer their domestic duties. In case women cast vote, it is according to whims and wishes of their male family members. Normally male patriarch of the family dictates voting options to women. In some areas of Khyber Pakhtunkhwa and Balochistan, females have not been allowed to cast votes. In Punjab, rural women are dependent on men for vote casting procedure, and therefore, most of the time do not cast vote at all. Middle class women in rural and urban areas generally follow parochial trends of political participation during elections.

Another hindrance in the way of women's political activity is their restrained manner of social mobility. Due to lack of social confidence and support, women have less means of mobility and therefore, unable for contesting elections. Political parties mostly do not give tickets to women on general seats because of their mobility handicapped and lesser social exposure for securing political benefits. In addition to this, women do not have enough finances for contesting elections and thus lag behind in the game of power.

The dynamic global obligations and domestic needs have compelled governance structure of Pakistan to incorporate women in political arenas formally. Consequently, in an attempt to combat women's invisibility in national politics, governments in Pakistan have maintained the provisions of reserved seats for women throughout its history. But in 2002, in General Musharraf's era, the quota for reserved seats for women was increased to 33% at all levels of governance. In fact, Musharraf used the provision of reserved seats for women as a tactic to increase his political strength and to advance women's nominal participation in political realm. Though, "the numerical strength of women in legislation is not an indicator of quality but their impact and effectiveness makes a difference."[15] Women who manage to get seats in National Assembly are merely symbolic representatives, as most female members are elected due to the political influence of their male

[15] *Women-Issues-Pk Blog*; "Women in Parliament: Problems and Potential Solutions," March 25, 2010, accessed June 13, 2012, http://womenissuespk.blogspot.com/2010/03/women-in-parliament-in-pakistan.html.

family members. There are very few women who became members of National or Provincial Assembly and got tickets on their own political struggle or merit. Rather women were induced in the political sphere through reserved seats to keep patriarchal influence intact. According to Ahmed, "Women are still being treated as second-rate citizens, loyal subjects who exist only to fulfill the wishes of the all-powerful men."[16]

Throughout history, the women of Pakistan who were politically active and earned their names generally did so with strong links or support from their male family members. Miss Fatima Jinnah, Begum Rana Liaqat Ali Khan, Kalsoom Nawaz, Fiza Junejo, Benazir Bhutto, Dr. Fehmida Mirza, Hina Rabbani Khar, Tehmina Daultana, and Begum Nasim Wali Khan are few important examples in this regard. Presence of women on political platform secures political seat of influential male political leaders who could not contest election on certain grounds.

By appraising the socio-economic and political settings of society, it may be comprehended that women rights activists struggle for their rights is a necessity. Pakistani society's socio-cultural values and belief system are strong enough to circumvent legal imperatives and global influences that support elevation and equality of women. In order to make the state stable and developed, it is need of hour for governance structure to relax cultural constraints and make women a stakeholder in economic and political development. It is incumbent upon the government to take participatory approach for state affairs and to eliminate discrimination against women in all walks of life. Though women participation in public life is increased in recent years, it is still not sufficient.

[16] Aijazz Ahmed, "Pakistani Women: The Politics of subjugation," *Asia Times*, October 04, 2002, accessed June 16, 2012, http://www.atimes.com/atimes/South_Asia/DJ04Df04.html.

Legislations regarding Women Rights in Pakistan (2000–2012)

In line with global trends, a broad range of legislative measures have been introduced in Pakistan for liberalization, decentralization, and democratization. This restructuring of existing system was meant to attain the objectives of good governance with characteristics of transparency and accountability; participation at all levels; and ensuring long-term growth and social progress. According to Jabeen and Jadoon, "This new wave of governance reforms reflects the gradual shift in development thinking over time on political, social, and economic roles of state and society."[17] It implies that the business of progress and development is related to people's participation without discrimination on gender basis for the greater cause of national esprit de corps (unity and cohesion).

During the period 2000–2012, there has been a shift from military rule of General Pervaiz Musharraf (1999–2008) to democratic rule of Mr. Asif Ali Zardari (2008–2012). In the first decade of the twenty-first century, the successive governments have undertaken some notable steps towards the reinforcement and strengthening of women's role and status. This has been due to the realization of leaders regarding gender equality as a key for development of country with respect to local and global needs. In the words of Jabeen & Jadoon, "Gender equality and equity of opportunities on the basis of gender are recognized as the key strategies of the development framework of the international development community as a goal of sustainable good governance."[18] However, there were various socio-political and economic interest of leaders that compelled them to involve womenfolk in the business of development (be it social, political, or economic). A detailed situational analysis would give understanding of reformative measures undertaken by the successive governments during the period 2000–2012.

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[17] Nasira Jabeen and Muhammad Zafar Iqbal Jadoon, "Gender and Local Governance in Pakistan: Representation vs. Participation," *International NGO Journal* 4, no. 5 (May 2009): 264.

[18] Ibid., 264–65.

Situation Analysis

The phenomenon of discrimination against women and gender bias is universal in its nature. But its severity varies in societies and cultures. In Pakistani society, discrimination against women is reflective in nearly all spheres of life due to strong hold of traditions and structural arrangement. The interplay of extrinsic and intrinsic factors shapes the role and fate of women. The extrinsic factors include power hierarchy, male-dominance, economic opportunities and influences, and social support network, etc. On the other hand, intrinsic factors include personal and biological factors such as age, personality influences, income, education, and undue compliance to interpersonal violence.

Violence and abuse against women have become disguised nature of social order of Pakistani society. According to Ali and Gavino; "The term violence against women has been defined as the range of sexually, psychologically, and physically coercive acts used against women by current or former male intimate partners."[19] It may be interpreted that women-abuse is an attitude linked to male dominance over resources and authority within private as well as public domain. The prevalence of domestic violence (battering, stove-burning, marital rape, dowry-abuse, etc.) are manifestations of gender-biased socio-politico-cultural practices. However, callousness towards women does not end up here. Another persisting form of violence against women in Pakistan is honor killing. This is socio-customary practice in which women and girls are killed on the suspicion of having illicit or pre-marital relationship. Their intimate guardians (male members) perceive this to be a dishonor brought for family. *Jirga* (a tribal mechanism of justice) does not demand for sound footings for witness or proof for the verdict. That is why victims of violence and honor killings are largely women. Following tables exhibit the trends and patterns of violence against women:

[19] Parveen Azam Ali and Maria Irma Bustamante Gavino, "Violence against Women in Pakistan: A Framework for Analysis," *Journal of Pakistan Medical Association* (April 2008): 56, accessed June 23, 2012, http://jpma.org.pk/full_article_text.php?article_id=1372.

Table No. 1: Cases of Violence against Women in Pakistan (2000–2004)

Nature of Violence	Year 2000	Year 2001	Year 2002	Year 2003	Year 2004
Murder	386	1422	1583	1636	1468
Rape	404	576	984	1030	1047
Torture/ Injury	317	1195	1570	1920	1600
Honor killing	Not Collected	736	803	930	870
Burn Cases	Not Collected	311	240	380	310
Corpses found	Not Collected	Not Collected	120	129	44
Abduction	690	1255	1404	1759	1397
Police Torture	Not Collected	64	97	140	180
Suicide	638	1053	1112	1412	1327
Trafficking	Not Collected	36	28	84	62
Grand total	2435	6648	7941	9751	8305

Source: Research & Documentation Center of Madadgaar /LHRLA, accessed June 23, 2012, http://siteresources.worldbank.org/PAKISTANEXTN /Resources/293051-1146639350561/CGA-Companion-Paper-1.pdf.

Table No. 2 Summary of Types of FIRs on VAW in Provinces

Category of Crimes	2005		2006	2007	2008
Domestic Violence	Murder	1075	1084	1078	1005
	Beating	1017	1141	848	770
	Other	313	536	435	408
Honor Killing		321	339	359	386
Burning	Acid	22	12	19	21 (Punjab)
	Stove	18	17	10	10 (Punjab)
Wani		2	17	6	9 (Punjab)
Sexual Violence	Gang Rape	174	131	235	Not Available
	Rape	1713	1743	1515	1895
	Custodial	7	7	80 (Punjab)	3
Harassment at Workplace	Incest	41	34	34	47
	Physical	81	156	82	96
	Sexual	39	149	145	207
	Psychological	8	30	28	2
Other Violence not listed Above		2214	2669	2562	2715
Total		7045	8065	7436	7802

Source: Rabia Khan, "Situational Analysis and Mapping of Women's Human Rights in Pakistan," Submitted to CIDA Pakistan Program, August 31, 2009, accessed June 23, 2012, http://www.researchcollective.org /Documents/Final%20Report_on_Women.pdf.

Table No. 3 Cases of Violence against Women in Pakistan (2009–2011)

Categories of Crime	Year 2009	Year 2010	Year 2011
Abduction/ Kidnapping	1987	2236	2089
Murder	1384	1436	1575
Domestic Violence	608	486	610
Suicide	683	633	758
Honor Killing	604	557	705
Rape/ Gang Rape	928	928	827
Sexual Assault	274	74	110
Acid Throwing	53	32	44
Burning	50	38	29
Miscellaneous	1977	1580	1792
Total	8548	8000	8539

Source: Violence against Women Watch Group, Islamabad, Aurat Foundation – Islamabad (2011), accessed June 23, 2012, http://af.org.pk/PDF /VAW%20Reports%20AND%20PR/PR/PDM%20Bi%20Monthly%20report%20Jan-Jun%202011%20ICT%20final.pdf.

Despite the fact that successive governments of Gen. Musharraf and President Zardari undertook some initiatives for elevating the status of women in private and public spheres, it is worth noting that crime rate has grown over the years. This is partly due to strong hold of traditional practices, and in some cases, weakness of application and execution of laws. However, the data available for reported incidents of violence in above illustrations may be biased of their personal interests. For example, reported cases of burning are collated from Punjab only (Table no. 2). Now, this study will focus on the government of General Musharraf and then that of President Asif Ali Zardari till March 2012.

General Musharraf's Government (1999–2008)

After assuming power, General Pervaiz Musharraf undertook liberal approach and tried to make gender equality as his governance strategy for gaining greater support of the masses as well as the West. His first political move was to introduce Devolution of Power Plan 2000, which has been an important development in the local government in Pakistan. It did not only challenge the status quo of political elites but considerably changed and improved it for women too.

According to Yazdani,

> The history of politics and privileges for women in Pakistan has been checkered because the political empowerment for them has been (a) inherited – belonging to political family; (b) acquired – having struggled as political activists; (c) grabbed – being promoted and/or part of vested group like military; and/or (d) legally provided through reservation mechanism.[20]

So, under this Ordinance of 2000, women got 33% quota for reserved seats in the local government and this was apparently emblematic of legal mechanism of empowerment. Yazdani interprets, "The unprecedented number of 36,000 women councilors, later reduced to 26,000, laid the foundation stone for the political evolution in the country."[21] Therefore it opened up new avenues for women's political and strategic opportunities to have effective say in policy making agendas. Interpreting in the like manner Bari says, "Gender quotas as part of the global strategy to bridge the gender gap in politics were adopted by the Musharraf's regime, as it helped it establish its liberal credentials among the world community."[22]

Another step taken was in 2001, when 'The Citizenship Act of 1951' was partially amended to secure some liberties for women. This amended Citizenship Act enabled the children of Pakistani women married to foreign nationals to have citizenship of Pakistan. Previously, citizenship was only allowed to male Pakistani married to foreign women and their children. However, Pakistani women's foreign husbands are still not eligible to have citizenship of Pakistan.

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[20] Fauzia Yazdani, "Local Democracy Crucial for Empowering Women," *Legislative Watch*, Aurat Foundation, October–December 2009, 1.

[21] Ibid.

[22] Farzana Bari, "Women Parliamentarians: Challenging the Frontiers of Politics in Pakistan," Gender, Technology, and Development (London: Sage Publications, 2010), 364, accessed June 23, 2012, http://gtd.sagepub.com/content/14/3/363.

Through Legal Framework Order 2002, Musharraf gained immense powers even to amend the Constitution of Pakistan. In order to popularize (nationally and internationally) his action of ascertaining presidency, Musharraf increased the number of women in the legislatures. According to a report of Aurat Foundation, "he fixed 17% quota of seats reserved for women in National and Provincial legislatures in 2002; 60 seats were reserved for women through party list for the National Assembly; 17 for the Senate; 66 for the Punjab Assembly; 29 for the Sindh Assembly; 22 for the N.W.F.P Assembly; 11 for the Balochistan Assembly."[23]

On the basis of Report of the Commission of Inquiry for Women 1997, Musharraf gave The Family Courts (Amendments) Ordinance 2002[24] and made various changes in procedural laws. Under this amendment, women were allowed to combine all the matters of maintenance, custody, dowry, etc., into their claim for termination of marriage. It also extended the jurisdiction of Family Courts to take up certain penal offences if that marital partner was a victim. Another step regarding women rights was promulgation of The Prevention and Control of Human Trafficking Ordinance, 2002.[25] This Ordinance realized that human trafficking was an organized crime, and therefore, it has to be heavily punished and criminals are to be placed on non-availability of bail imprisonment. This was relatively solid step for securing women's trafficking.

There are always certain socio-political reasons that provoke the need for reform in governmental policies and law-making. Mirza writes that "past seven years (2004–2011), are monumental in the context of legislative upsurge on crucial women rights issues."[26] The unparalleled progress has been noticed in the legislative history of Pakistan during this time. This was due to the alarming increase in the number of cases of violence against women and rape, which elicited the attention of international watchdogs.

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[23] *Legislative Watch*, Aurat Foundation, April–June 2010, 5.

[24] For details, see *Legislative Watch*, Aurat Foundation, July–August 2003.

[25] For details, see ibid.

[26] Naeem Mirza, "Seven Pro-Women Laws in Seven Years," *Legislative Watch*, Aurat Foundation, October–December 2011, 1.

The heinous and high profile reported incidents of gang-rape of Mukhtaran Mai (2002) and Dr. Shazia Khalid (2005) made strong public and women rights activists' call to make reform in the existing criminal laws and repeal of Hudood Ordinance. These two reported incidents gained national and international coverage and sympathy. According to Akbar, "In June 2002, Mukhtaran Mai was the victim of a gang rape as a form of honor revenge, on the orders of *panchayat* (tribal council) of the local *Mastoi* Baloch clan that was richer and more powerful than her *Tatla* clan in that region."[27] Being the victim of rape, Mai was culturally expected to remain silent, as social stigma is attached to the incident. But she was courageous enough to come out and speak for justice. However, in 2005, the Lahore High Court (LHC) maintained that Mai's case was having insufficient evidence, and therefore, acquitted five of the six defendants. LHC found guilty and charged the punishment for the sixth man (convicted) to a life sentence. Mai, with the support of governmental agencies, appealed to Supreme Court for reconsideration of LHC decision. The Supreme Court suspended the release of prime suspects and held appeal hearings again. However, in 2011, the Supreme Court too acquitted those persons. This shows that criminal laws regarding rape were feeble and frail in their applicability and needed further revision and reformation on the part of government.

Dr. Shazia Khalid is a medical doctor and a government employee, who was inhumanely beaten and tortured and raped by an army officer named Captain Hammad at Sui in 2005. When she reported to the administration of Pakistan Petroleum Limited (PPL), where she was working, her pleas regarding justice were blatantly ignored. Administration did not even respond to her plea for contacting her husband (who was working in Libya as civil engineer). Later, her husband came back to Pakistan and reunited with her wife for justice. According to Macklin, "With Khalid's support, and despite Pakistan's notorious anti-woman rape laws,

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[27] S. Ahmed, *Journey into Islam: The Crisis of Globalization* (Washington D.C.: Brookings Institute Press, 2007), 99.

Shazia reported the crime."[28] Shazia's family was kept under house arrest for two months, and Sahzia's in-laws (husband's grandfather) pressurized her husband to divorce her. "Khalid's grandfather demanded that he should divorce his wife because her rape had rendered her a stain on the family honor."[29] But Khalid refused to divorce his wife; so his grandfather gathered people to kill Shazia. Pakistani government, anticipating the heat of incident, warned the couple to leave the country for their safety. For Macklin, "Shazia's story is only the most recent highly publicized example of systematic manifestation of blaming the victim."[30]

Parliament enacted The Criminal Law (Amendment) Act, 2004 in order to address the problem of honor killing in Pakistan, as hundreds of women folk are allegedly killed each year in the name of honor. Such allegations against women include illicit sex, marrying with one's own will rather with family's consent, or having being raped. As Weiss says, "being raped in Pakistan could itself be a crime hurt[ing] Pakistan's global image immensely."[31] According to Asian Centre for Human Rights (ACHR) report, "The Criminal Law Amendment Act, 2004, which proposes amendments of the Pakistan Penal Code (PPC), 1860, enhances punishment for the offence of murders carried out in the name of honor."[32]

The women parliamentarians were enthusiastic in the process of passage of the Act 2004. For Pakistani women, due to increase in honor killings, amendment in the penal code was a necessity of time. Due to their increased number, Women parliamentarians got

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[28] Professor Audrey Macklin, "Shazia Khalid – Twice Violated," OCASI August 05, 2005, accessed June 24, 2012, http://www.ocasi.org /index.php?qid=806&catid=86.

[29] Ibid.

[30] Ibid.

[31] Anita M. Weiss, *Moving Forward with the Legal Empowerment of Women in Pakistan*, Special Report 305 (Washington D.C.: United States Institute of Peace, 2012), 6.

[32] *Confronting Honour Killings* (Asian Centre for Human Rights – ACHR, October 29, 2004), 1, accessed June 23, 2012, http://www .countercurrents.org/hr-achr291004.htm.

opportunity to propose and promote women issues in the enactments of bills and expressed their solidarity across party lines. Bari says, "the amendment to the honor killing legislation is a case of women's solidarity across party lines. The amendment was moved by the ruling party but was supported by women legislators from the opposition party (Pakistan People's Party) too."[33]

Another milestone in the pro-women legislation was 'The Protection of Women (Criminal Laws Amendment) Act, 2006,' which was publicized as a legal decree on December 01, 2006. It was a successful culmination of women rights activism that started shortly after promulgation of Zia's Ordinances of 1979 and 1984. According to Khan, "Since the Ordinances were first imposed by the military dictator Zia-ul-Haq in 1979, one of them – the *Zina* (Adultery and Fornication) Ordinance – has led to hundreds of women languishing in Pakistan's prisons."[34] The exploitative and discriminatory nature of the Ordinance is manifest from the fact that if any women who informs police that she has been raped, there is more probability of her being held up for fornication. So, there was urgent need to repeal such detestable Ordinance.

The Protection of Women Act significantly revised two of the Hudood Ordinances (*Zina* and *Qazf* ordinances). The most noticeable characteristics of these amendments were, as Mirza stipulates:

> It separated the *Hadd* and *Tazir* offences/punishments; rape (*zina-bil-jabr*) was separated from fornication/adultery and shifted to the PPC from the *Zina* Ordinance; the offence of fornication (all sex outside marriage) was inserted in the PPC as separate sections (496B & 496C) with imprisonment up to five years and fine up to ten

[33] Bari, "Women Parliamentarians," 370.

[34] Adeel Khan, "Pakistan in 2006: Safe Center and Dangerous Peripheries," *Asian Survey* 47, no. 1 (January/February 2007): 128, accessed June 21, 2012, http://www.jstor.org/stable/10.1525/as.2007.47.1.125.

thousand rupees; procedure of complaint for *Zina* & *Qazf* changed; and simultaneous imposition of *Qazf* made possible.[35]

Despite providing sufficient heed to women issues, this Act has left intact several lacunas and inequity in the Hudood Ordinances. For example, according to the report of Aurat Foundation, "the definition of rape does not include 'custodial rape' and 'marital rape' etc."[36] Also, testimonies of women and non-Muslim women were still denied in the amended *Zina* Ordinances. Thus, The Protection of Women Act, 2006 is a one step forward in long journey of women rights, but it does not address all lacunas inherent in the 1979 Ordinances.

Many liberalists and social rights activists have appreciated Musharraf's efforts for elevating the status of women and opening up gate of opportunities for women development. But Weiss perceives women's emancipation in military dominated government as "Musharraf's promotion of women's rights, [which] can be seen as an effort more to improve Pakistan's standing in the international community than to improve women's legal standing in Pakistan."[37]

Zardari's Government (2008–2012)

In 2008, Pakistan experienced change of government, but the momentum of women rights development did not stop. Zardari government too followed gender-equity approach to uplift the position of women in society. Despite women Parliamentarian's effort to introduce Domestic Violence (Prevention and Protection) Bill, 2009, which got passed through National Assembly, it got lapsed in the Senate. Women did not halt their struggle for their rights and liberties. With the collaborated efforts of non-government organizations and women Parliamentarians in 2010, two laws were passed by the government in order to curb the sexual harassment against women and ensure women's security at workplace. This

[35] Mirza, "Seven Pro-Women Laws," 3.

[36] *Legislative Watch*, Aurat Foundation, April–June 2008, 1.

[37] Weiss, *Legal Empowerment of Women*, 7.

shows women Parliamentarians have been successful in making inroads within the mainstream of politics. Under this code of legislation, harassment against women at public fields was taken as a crime against state. So, it made a valuable effort to recognize women security in public life as a matter of state governance.

The Protection against Harassment of Women at the Workplace Act, 2010 is more comprehensive and specific enough to embrace and address the problem of sexual harassment of women at workplace. Mirza stipulates that, "The law will protect women belonging to various sectors such as brick kiln workers, agriculture workers, domestic workers, and women in the market and public places."[38] Moreover, the law recommends the setting up of an inquiry committee in each organization within the period of thirty days of the enforcement of this Act to probe into complaints. If any organization fails to establish inquiry committee of three members within given time would be fined for up to Rs. 100,000. Moreover, under this law, working managements were asked to adopt code of conduct in agreement with the law. Furthermore, this law made it necessary to recruit and appoint women as ombudspersons at all levels of governance. It was meant to provide security to working women.

In 2011, government passed various significant laws in order to end injustice against women by reprimanding the crimes related to undue customary practices. According to Lari, "There has been a continuous struggle by the women's movement for years to bring to the forefront the heinous crimes committed in the name of 'customary practices.'"[39] In order to have check and balance over customary practices, i.e., *Swara* and 'Marriage to Quran' etc., government passed the 'Prevention of Anti-Women Practices (Criminal Law Amendment) Bill, 2011.' "This bill makes the offences non-compoundable: an accused person cannot be pardoned

[38] Mirza, "Seven Pro-Women Laws," 4.

[39] Maliha Zia Lari, "A Critical Appreciation of the Prevention of Anti-Women Practices (Criminal Law Amendment) Bill 2011," *Legislative Watch*, Aurat Foundation, August–November 2011, 1.

legally even if a compromise takes place between two parties."[40] The purpose of the legislation was to out-law those customary practices that encroach upon women rights. Lari further specifies that "These customary practices are used, specifically against women, in order to exert control over them, discriminate against them, infringe upon their basic rights, and to manipulate them."[41] Therefore, this law proved to be a big move forward on the road to social development of the country through legal instrument of security.

In the same year, another pro-women law was passed titled as 'Acid Control and Acid Crime Prevention Act, 2010.' This law proposes fourteen year to lifetime imprisonment sentence and also fine up to Rs. one million for those who perpetrate such odious crime. Since the proposed bill for this law was lapsed in Senate despite winning unanimity in National Assembly in 2010, it was reintroduced in 2011 and received undisputed support from the Senate on December 12, 2011. "The purpose of the bill is to control the import, production, transportation, hoarding, sale, and use of acid to prevent the misuse of acid and provide legal support to acid and burn victims."[42]

In December 2011, government passed another important law named 'Women in Distress and Detention Fund (Amendment) Bill 2011,' in order to give financial and legal aid to distressed women suffering in the jails of country. In March 2012, President Zardari gave his assent to 'The National Commission on the Status of Women Act 2012' and expected it to play a substantial role as a watchdog of women rights. It would enable government to take positive initiatives in their policies and law-making. It aims to

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[40] Razeshta Sethna, "Pro-Women Legislation," *Dawn* (Lahore), February 5, 2012.

[41] Ibid.

[42] "Acid Control and Crime Prevention Bill Passed," *Pakistan Today* (Lahore), May 11, 2011, accessed June 27, 2012, http://www.pakistantoday.com.pk/2011/05/11/news/national/acid-control-and-crime-prevention-bill-passed/.

promote and protect gender equality in all social settings and governmental affairs.

The coalition government of Pakistan People's Party has undertaken pro-women stance in its policies. Though women are encouraged for the protection of their rights but still the enforcement of these legal rights is yet to be examined and verified. In the last few years, Pakistan has witnessed lots of improvements in the political climate and environment. Under strong conducive democratic forces, it is not easy to overlook the voices of people demanding for the rights of women. The combination of highly politically-motivated media and influential civil society has emerged as major stakeholders in the business of good governance and generating social awareness. Pakistani leadership, being aware of the forces of change in political environment, re-thought and negotiated developmental framework on gender-equity bases. However, it depends on the enforcement by machinery of State that how effectively it translates written laws into reality. Since, recent trends in the violence against women (illustrated in Table No. 1, 2, and 3) show our existing laws seem toothless. Even then credit goes to women rights activists and parliamentarians who have struggled in making inroads in patriarchal power structure and rendered government authorities to make pro-women laws. For having concrete outcomes of gender based laws, political will ought to be compatible with women demands.

Conclusion

In Pakistan, Women have been confronted with formidable challenges in their struggles to attain gender equality and to tackle the quandary of gender-based violence in the country. These challenges are mostly posed by the systematic following of social norms and customs. In spite of that, in the recent decade, developments in pro-women law making and administrative measures have shown that the efforts of Pakistani government, as well as the activism of social groups (governmental or non-government sector) for women empowerment in the country, are gaining weight and bringing about some changes.

Regardless of the nature of political climate and social exigencies, women in Pakistan continue to play role of pawn in the functioning of society. The successive governments of Pakistan during the period 2000–2012 encouraged pro-women legislation only to identify Pakistan as symbolically liberal one. Without abolishing age-old traditions and inherently discriminatory structural settings of society, liberal leadership put stress on the advocacy of gender based laws.

Interestingly, the recent breakthrough in law for women has been reflective of reformative governance structure in line with global trends. With respect to Pakistani women's needs, liberal governments have given some gestures for appeasing their call for equity and gender equality. For example, in the statute of 'The Criminal Law Amendment Act, 2004' the term 'honor killing' was substituted with 'honor crime' in order to tone down the intensity of offence and alleviating the gravity of law so as to be acceptable to the stakeholders (tribal and feudal communes) of society. Moreover, in rule of Musharraf, a comprehensive attempt was made to water down the impact of Hudood Ordinance by passing Women Protection Act, 2006. Though it did not repeal entire legislation but made it a diluted one.

Similarly, the government of President Zardari followed the footsteps of his predecessor and made pro-women laws to foster modernistic hopes and prospects for the sustainable development of women in Pakistan. Nevertheless, empirical and realistic indicators illustrate that women continue to have a dependent and lower quality of life. They are not in fact emancipated and face an inequality of opportunities as compared to men in all fields of economy and advancement.

In Pakistan, inherently discriminatory laws and customs are deeply embedded in political system and play a crucial role in conserving status quo of patriarchal stakeholders. Therefore, it has made attempts of successive governments in 2000–2012 period for empowering women as ineffective. Despite the shortcomings in legislations regarding women rights it is apparently signaling enlightened vision of governance. In order to have sustainable development of society, there is a strong need on the part of people

to re-orient social values in accordance with local and global requisites. Consequently, women in Pakistan could only shatter her complex obligations and responsibilities if they are re-oriented to new gender-based values. With further monitoring, support, and the empowering of women's networks, these objectives will hopefully translate into real and concrete change for women in Pakistan.

The gender-based legislations and enforcement mechanism are needed to be incorporated in Pakistani political system for sustainable development of society. It is not impossible but requires operational efficacy of existing legislation and restructuring of social culture for better output. So, in order to combat the problem of gender discrimination and exploitation of women at the hands of men folk, certain steps are to be taken into account.

Recommendations

Recommendations in this regard may be categorized broadly in two levels: Macro-level and Micro-level.

Macro-level

By macro-level, we mean the steps that can be taken by government. There is an urgent need for government to undertake momentous and decisive endeavors for bringing up change in the system and society. It must pursue 'gender-sensitive policy' towards state affairs and processing of legislation must be keenly scrutinized. Gender sensitization means modification of behavior and instilling empathy into one's views that are held by people for their own self and other sex. It aims to raise general awareness for raising gender equality concerns. If state adopts this policy it would help them to enable people to assess their personal attitude in a general environment of society and then question their socio-political and cultural reality with respect to gender related concerns.

It is somehow incumbent upon government to have organized civil society. Because the presence of strong civil society organization would not only monitor proposals and programs taken by the government, but they can also exert their pressure on the state

apparatuses and mechanisms to bring these changes in sound practicality.

Government should devise strategy with regard to operationalization of existing laws so that efficacy of statutory laws can be gauged in a substantial and significant manner. Re-examination of enforcement mechanism will bring constructive change and materialize laws into practical reality.

The government should take holistic approach and should take its subjects as a whole body and direct policy initiatives in gender-neutral manner. Such an approach would take masses as a collective whole and not only male-dominated one.

Government needs to pursue participatory approach for changing socio-cultural attitudes towards women through sustained legal efforts.

Government must introduce 'quota system' for women in all jobs in order to bring them in economic system.

Government should consider legislating against those traditions which do not come under law. For example, the practice of 'marriage to Quran' must be abolished by making it unlawful.

Struggle for women rights will be less effective unless the judiciary is independent and give decision without gender bias approach. Similarly, it will be difficult for women to change the discriminatory laws unless parliament is sovereign and political parties are working adequately.

On the part of government, it is essential to take steps for making 'media' independent (particularly PTV) in order to make people aware of their rights generally and women particularly. It will make people (particularly women) cognizant of the fact that traditionalism in terms of conformity to socio-cultural practices is real impediment in their way to development.

In a collective manner, the basic measure is to modify and transform patterns of people's perception regarding women's education on the political, cultural, and social fronts. The government and non-governmental organizations, that are operational for the betterment of women's rights, should employ all

tools and techniques to move rural-based, conventional families for inducing girls and women to social awareness and education programs in order to bring change from grass root level.

Government should take measures to open the mobility of women in the society. Girls are to be given soft loans for buying scooters and motorbikes in order to reduce their dependency in public sector. Like in India, girls are allowed to drive scooties and motorbikes for their day to day businesses.

Education is a basic right of every individual including men and women. Government should make it compulsory for both sexes to acquire education at all levels. It will develop women's consciousness about their rights and privileges.

Micro-level

Family Level: There is a necessity of making laws on the size of family. In Pakistan, average size of family is 6–8 in number. If a law is made on the size of family, it will add up to the general development of society. Because small family size will be adequately educated, skilled, and expert in particular fields. Moreover, at family level, people should realize the equal potentials of female children to that of male. Female children are to be treated equally like that of male children. Females in the family should not be bulldozed with their male guardian's decision.

Individual Level: At individual level, women should build confidence in them and should not remain silent to their exploitation. Women should explicitly demand for self-determination in all private and public arenas. For this purpose, education is the principle tool to achieve the objectives.

All the above mentioned recommendations cannot bring tangible change unless there is no political will at the back and women themselves are not united to put pressure for the cause.